SINGLE BENCH

(2) (H)

CF 1002

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

WRIT PETITION (S) 169 /2007 S.B

PETITIONER **Ku. SAJOLI MESHRAM**, aged about 45 years.
D/o Late, Shri B.L. Meshram By.
Post-Assistant Teacher
(Superintendent) Ashram Shala,
Kilepal, Block Bastanar, Tahsil,
Jagdalpur, District Bastar (C.G.)

P.R. No. 03/1/07
Presented by Shri B.L. Sahu
dated 02/1/07

VERSUS

RESPONDENTS

1. **State of Chhattisgarh**
Through the Secretary,
Department of Tribal Welfare
Department, D.K.S. Bhavan,
Mantralya Raipur.(C.G.)

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2. **The Collector- Bastar** ,
Jagdalpur, Bastar (C.G.)

3. **Assistant Commissioner**
Tribal Welfare
Jagdalpur, Bastar (C.G.)

4. **Block Education Officer**
Block, Bastanar,
Jagdalpur, Bastar (C.G.)

OATH COMMISSIONER APARNA MALVIYA 31/12/07 Bilaspur (C.G.)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN THE NATURE OF CERTIORARI MANDAMUS ETC AND FOR APPROPRIATE ORDER/ ORDETS, DIRECTION/ DIRECTIONS.

(51)

HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P. (S) No. 169 of 2007

Petitioner — Ku. Sajoli Meshram

Versus

Respondents — State of Chhattisgarh & others

SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

Shri Avinash K. Mishra, Advocate for the petitioner.

Smt. Anju Ahuja, Deputy Govt. Advocate for the respondents.

ORDER

(Passed on this 28th day of February, 2007)

The following order of the Court is passed by **Satish K. Agnihotri, J.**

1. By this petition the petitioner has impugned the transfer order dated 7.7.2006 (Annexure P/1), whereunder the petitioner has been transferred from Ashram Shala Kilepal, Block – Bastanar to Kanya Ashram Mundagaon, Block – Bastar, within the same terms and conditions. The transfer of the petitioner is within the same district i.e. Jagdalpur.
2. According to learned counsel appearing for the petitioner the name of the petitioner is placed at serial number 46 in the impugned order, wherein it is mentioned 'on her own expenses'. When the petitioner pointed out that she has never made a request for her transfer then the same mistake was rectified vide order dated 4.9.2006 (Annexure R/1) and the transfer of the petitioner has been made on the administrative ground.
3. Learned counsel appearing for the respondents submits that the order dated 4.9.2006, rectifying the error was conveyed to the petitioner, even then the petitioner has filed this petition on 2.1.2007 without enclosing the order dated 4.9.2006.

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4. There is no other ground of challenge urged by the petitioner. The order dated 7.7.2006 was passed in public interest due to administrative exigency along with 81 more employees. I do not find any infirmity in the impugned transfer order.

5. Be that as it may, it is well settled principle of law that transfer is an incident of service and it is for the employer to decide as to where a particular officer/employee be posted keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere in the transfer matter and this Court can interfere only in the case of proved malafide, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations.

6. In view of the above, this petition is dismissed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur